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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,006	03/06/2001	James C. Rush	STE01 P-1086	5256

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT PAPER NUMBER

3635

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/800,006	<b>Applicant(s)</b> RUSH ET AL.	
	<b>Examiner</b> Yvonne M. Horton	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 30-34, 76, 78, 79, 82-87, 89 and 94-142 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-34, 82-87, 89 and 94 is/are allowed.
- 6) ☒ Claim(s) 76, 78, 95-98 and 100-142 is/are rejected.
- 7) ☒ Claim(s) 99 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

The amendment filed 9/29/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: a T-nut and a cruciform. A cruciform is defined as a cross or arranged as a cross. The original specification merely discloses an "X" or "Y" configuration. Clearly a "cruciform" is not an "X" or a "Y" configuration. As such the amendments to the specification have not been entered at this time. Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Withdrawal of Allowable Subject Matter***

The indicated allowability of claims 76,78 and 95-98 is withdrawn in view of a more careful review of the reference(s) to DWILLIES. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 78,98,100-142 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 78,98,100,102,118,120,123,125,134,136,140 and 142 include broad terms such as

"substantially" and "generally". It is not clear if something less than, equal to, or greater than is defined by the claimed language. Correction is required.

***Claim Objections***

Claims 100,123,134 and 140 are objected to because of the following informalities: the phrase "and the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 76,78 and 95-98 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,277,512 to DWILLIES. DWILLIES discloses the use of a post and beam furniture system for partitioning open including a plurality of overhead beams (10), each having opposite ends; a plurality of vertical posts (12), each having a lower portion thereof adapted to be abuttingly supported in a freestanding fashion on a floor surface of the open office space in a laterally spaced apart relationship, and an upper portion thereof operably connected with the opposite ends of said overhead beams (10) to support said beams (10) at a predetermined elevation above average user height; at least one of said posts having an X-shaped plan (see figure 14E) configuration defining four mutually perpendicular, outwardly extending flanges (F), each of which has an end face (EF) with a single T-shaped vertical slot (T) extending centrally therealong; at least

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one of said posts (12) having a Y-shaped plan configuration (see figure 14D) defining three regularly spaced apart, outwardly extending flanges (F2), each of which has an end face (EF2) with a single T-shaped vertical slot (T2) extending centrally therealong (Column 8, lines 57-65); and a plurality of beam-to-post connectors (14,50) attached to the opposite ends of said beams, and detachably retained in said slot (T,T2) of aligned pairs of said flanges (F,F2) on said posts (12) to support said beams (10) on said posts (12) at said predetermined elevation. DWILLIES further includes at least one partition



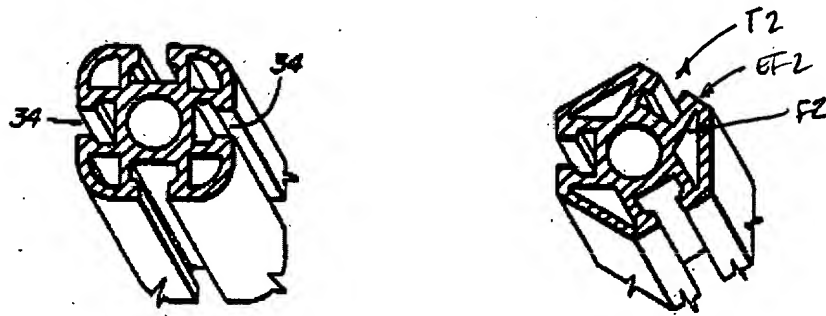
accessory (91) having a mount (92) that is detachably retained in the slots (T,T2).

Regarding claim 78, as seen in figures 13 and 14A-E, the beams (10) includes opposite end faces (EF,EF2) having the T-slots (T,T2); wherein, each of the slots (T,T2) are generally similar in shape and size to receive the accessory (91) therein.

Claims 95-98 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,277,512 to DWILLIES. DWILLIES discloses the use of a post and beam furniture system for partitioning open including a plurality of overhead beams/horizontal (10), each having opposite ends; a plurality of vertical posts (12), each having a lower portion thereof adapted to be abuttingly supported in a freestanding fashion on a floor surface of the open office space in a laterally spaced apart relationship, and an upper

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portion thereof operably connected with the opposite ends of said overhead/horizontal beams (10) to support said beams (10) at a predetermined elevation above average user height; at least one of said posts (12) having a Y-shaped plan configuration (see figure 14D) defining three regularly spaced apart, outwardly extending flanges (F2), each of which has an end face (EF2) with a single T-shaped vertical slot (T2) extending centrally therealong (Column 8, lines 57-65); and At least two beam-to-post connectors (14,50) attached to the opposite ends of said beams, and detachably retained in said slot (T,T2) of aligned pairs of said flanges (F,F2) on said posts (12) to support said beams (10) on said posts (12) at said predetermined elevation. Regarding claim 96, DWILLIES further includes at least one partition accessory (91) having a mount (92)



that is detachably retained in the slots (T,T2). In reference to claim 97, the beams (10) each have an uppermost and lowermost face (EF) having horizontal T-slots (T) therein to receive key portions (68), see figure 5, of at least one of the beam-to-post connectors (14,50). Regarding claim 98, each beam (10) includes opposite end faces (EF) each with T-slots (T) that are similar in size and shape.

***Allowable Subject Matter***

Claims 30-34,79,82-87,89,94 are allowed.


Claim 99 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Yvonne M. Horton  
Art Unit 3635  
2/1/06